

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 741

Introduced by Connealy, 16

Read first time January 19, 2005

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to railroad carriers; to amend sections
2 75-109.01, 75-401, 75-402, and 75-405, Reissue Revised
3 Statutes of Nebraska; to provide powers and duties for
4 the Public Service Commission with respect to safe
5 walkways for railroad carrier workers; to harmonize
6 provisions; and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Within ninety days after the effective date
2 of this act, the Public Service Commission shall adopt and
3 promulgate rules and regulations regarding safe walkways for
4 railroad carrier workers in areas where work is performed and
5 trains are inspected. The rules and regulations shall include, at
6 a minimum, a requirement that any walkway (1) have a reasonably
7 uniform surface, (2) be maintained in a safe condition, and (3) be
8 reasonably free of obstacles, debris, and other hazards.

9 Sec. 2. Section 75-109.01, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 75-109.01. Except as otherwise specifically provided by
12 law, the Public Service Commission shall have jurisdiction, as
13 prescribed, over the following subjects:

14 (1) Common carriers, generally, pursuant to sections
15 75-101 to 75-158;

16 (2) Grain pursuant to the Grain Dealer Act and the Grain
17 Warehouse Act and sections 89-1,104 to 89-1,108;

18 (3) Manufactured homes and recreational vehicles pursuant
19 to the Uniform Standard Code for Manufactured Homes and
20 Recreational Vehicles;

21 (4) Modular housing units pursuant to the Nebraska
22 Uniform Standards for Modular Housing Units Act;

23 (5) Motor carrier registration and safety pursuant to
24 sections 75-301 to 75-322, 75-369.03, 75-370, 75-371, 75-383, and
25 75-384;

26 (6) Pipeline carriers and rights-of-way pursuant to
27 sections 57-1301 to 57-1307 and 75-501 to 75-503;

28 (7) Railroad carrier safety pursuant to sections 74-918,

1 74-919, 74-1323, and 75-401 to 75-430 and section 1 of this act;

2 (8) Telecommunications carriers pursuant to the Automatic
3 Dialing-Announcing Devices Act, the Emergency Telephone
4 Communications Systems Act, the Enhanced Wireless 911 Services Act,
5 the Intrastate Pay-Per-Call Regulation Act, the Nebraska
6 Telecommunications Regulation Act, the Nebraska Telecommunications
7 Universal Service Fund Act, the Telecommunications Relay System
8 Act, the Telephone Consumer Slamming Prevention Act, and sections
9 86-574 to 86-580;

10 (9) Transmission lines and rights-of-way pursuant to
11 sections 70-301 and 75-702 to 75-724;

12 (10) Water service pursuant to the Water Service
13 Regulation Act; and

14 (11) Jurisdictional utilities governed by the State
15 Natural Gas Regulation Act. If the provisions of Chapter 75 are
16 inconsistent with the provisions of the State Natural Gas
17 Regulation Act, the provisions of the State Natural Gas Regulation
18 Act control.

19 Sec. 3. Section 75-401, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 75-401. The commission shall exercise jurisdiction over
22 the service, facilities, and equipment of all railroad carriers in
23 this state. This jurisdiction shall extend and apply to the
24 general public, as well as those having business relations with the
25 railroad carrier. Sections 75-401 to 75-430 and section 1 of this
26 act shall not be construed as giving the commission jurisdiction or
27 control over the relations between any railroad carrier and its
28 employees, or its employees' order, union, or other bargaining

1 agent, either contractual or otherwise, except as provided in
2 sections 75-419 to 75-426.

3 The commission shall enforce the standards of railroad
4 safety set forth in 49 C.F.R. parts 213, 215, 223, 225, 229, 231,
5 ~~and~~ 232, and 240, as such parts existed on the effective date of
6 this act.

7 Sec. 4. Section 75-402, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 75-402. As used in sections 75-401 to 75-430 and section
10 1 of this act, and in all rules and regulations prescribed by the
11 commission, unless the context otherwise requires:

12 (1) Railroad carrier ~~shall mean~~ means any common carrier
13 engaged in the carrying of freight or passengers over any line of
14 railroad, or part thereof, within the State of Nebraska; and

15 (2) Railroad ~~shall mean~~ means any line of railroad track,
16 or part thereof, located within the State of Nebraska.

17 Sec. 5. Section 75-405, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 75-405. Every railroad carrier which operates lines
20 within this state shall make an annual agreement with each shipper
21 that receives or sends ten or more cars annually which provides the
22 terms under which reciprocal demurrage charges shall be made on the
23 part of the railroad carrier or shipper. Such terms shall be equal
24 for all shippers. Any agreement made under this section shall
25 control the relation between the parties thereto, the provisions of
26 sections 75-401 to 75-430 and section 1 of this act to the contrary
27 notwithstanding. Monthly settlements may be entered into, but all
28 credits due a shipper for the current month shall be carried to the

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1 shipper's credit for the succeeding month, except that at the
2 termination of the agreement, any credits due the shipper shall be
3 eliminated.

4 Sec. 6. Original sections 75-109.01, 75-401, 75-402, and
5 75-405, Reissue Revised Statutes of Nebraska, are repealed.